

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARTHUR L. JOHNSON
TDCJ-CID # 1214549,

Plaintiff,

v.

BILLY H. JACKSON, et al.,

Defendants.

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CIVIL ACTION NO. H-05-1193

MEMORANDUM OPINION AND ORDER

The plaintiff in the above-styled cause has not responded to this court's order of July 28, 2005, which required the plaintiff to submit within thirty (30) days a more definite statement of the facts on which his complaint is based. The court's order specifically provided that "(f)ailure to comply as directed may result in the dismissal of this action." The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). The plaintiff is advised, however, that upon a proper showing, relief from this

order may be granted in accordance with FED. R. CIV. P. 60(b). See Link, 82 S.Ct. at 1391.

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution.

The Clerk shall provide copies of this Memorandum and Order to the parties.

SIGNED at Houston, Texas, on this 28th day of September, 2005.



SIM LAKE
UNITED STATES DISTRICT JUDGE